

Judge Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEWIS DEAN ARMSTRONG,

Defendant.

NO. CR13-0322RAJ

ORDER FOR COMPETENCY
EVALUATION AND HEARING

This matter has come before this Court upon Defendant Lewis Dean Armstrong's motion for a competency evaluation and hearing. Dkt No. 256. The Court having considered the motion and the response filed by the government (Dkt No. 264), and in accordance with 18 U.S.C. §§ 4241(b), 4247(b), and 4247(c),

IT IS HEREBY ORDERED:

1. That the defendant be committed to the custody of the Attorney General for such reasonable period of time as is necessary for the conduct of such examination as is herein requested, such period not to exceed 30 days without further order of the Court.
2. That the United States Marshal is hereby authorized to forthwith transport the defendant to a suitable facility designated to perform the psychiatric and/or psychological mental examination.
3. That such psychiatric and/or psychological mental examination referred to herein is for the purpose of determining whether defendant is presently

1 suffering from a mental disease or defect rendering him mentally incompetent
2 to the extent that he is unable to understand the nature and consequences of the
3 proceedings against him, or to assist properly in his defense.

4 4. That the examination be conducted by a mental health professional as indicated
5 in 18 U.S.C. § 4247(b). The Court strongly recommends that the mental health
6 professional who the Bureau of Prisons assigns to conduct the examination is
7 someone who has not previously examined the defendant.

8 5. That upon completion of the examinations as herein requested, the examiner(s)
9 prepare a full report, such report to include all of the following as required by
10 18 U.S.C. § 4247(c):

11 (a) The defendant's history and present symptoms.

12 (b) A description of the psychiatric, psychological, and medical tests that
13 were employed and their results.

14 (c) The examiner's findings.

15 (d) The examiner's opinion as to diagnosis, prognosis, and whether the
16 defendant is suffering from a mental disease or defect rendering him
17 mentally incompetent to understand the nature and consequences of the
18 proceedings against him, or to assist properly in his defense, as defined
19 in 18 U.S.C. § 4241(a).

20 6. That the report herein requested be filed with this Court and copies provided to
21 counsel for the parties as is provided for in 18 U.S.C. § 4247(c).

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7. That following receipt of the report herein requested, the Court will conduct a hearing to determine whether defendant is competent to understand the nature and consequences of the proceedings against him and to assist properly in his post-conviction proceedings.

8. By agreeing to the entry of this order, the parties have not waived their right to challenge the findings and opinion of the mental health professional designated by the court pursuant to 18 USC 4247(b) in a future competency hearing.

DATED this 20th day of August 2021.

Richard A. Jones
RICHARD A. JONES

RICHARD A. JONES
United States District Judge

Presented by:

/s/ J. Tate London

J. TATE LONDON

Assistant United States Attorney

/s/ Gilbert Levy

GILBERT LEVY

Attorney for Lewis Dean Armstrong